REMARKS

In the final Office Action, the Examiner rejected claims 1, 3, 14, and 16-31 under 35

U.S.C. § 102(b) as anticipated by Heumann (U.S. Patent Publication No. 2001/0034660); and

rejected claims 4-13 under 35 U.S.C. § 103(a) as unpatentable over Heumann in view of Berkan

et al. (U.S. Patent Publication No. 2003/0074353).

By this Amendment, Applicants propose canceling claim 25 without prejudice or

disclaimer, and amending claims 1, 19, 20, 22-24, 26, and 27 to improve form. Applicants

respectfully traverse the Examiner's rejections under 35 U.S.C. §§ 102 and 103 with regard to the

claims presented herein. Claims 1, 3-14, 16-24, and 26-31 will be pending after entry of this

Amendment.

REJECTION UNDER 35 U.S.C. § 102 BASED ON HEUMANN

In paragraph 2 of the final Office Action, the Examiner rejected pending claims 1, 3, 14,

16-24, and 26-31 under 35 U.S.C. § 102(b) as allegedly anticipated by Heumann. Applicants

respectfully traverse the rejection with regard to the claims presented herein.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every

aspect of the claimed invention. Any feature not directly taught must be inherently present. In

other words, the identical invention must be shown in as complete detail as contained in the

claim. See M.P.E.P. § 2131. Heumann does not disclose or suggest the combination of features

recited in claims 1, 3, 14, 16-24, and 26-31.

Amended independent claim 1, for example, is directed to a method that comprises

receiving a search query; determining a location associated with the query; determining a

location sensitivity score that identifies an extent or amount to which geographically-based

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search results are relevant to the query; determining topical scores for a set of documents based,

at least in part, on the query; determining a distance score for each document in the set of

documents based, at least in part, on a document location associated with the document, the

location associated with the query, and the location sensitivity score; and ordering the set of

documents as a function of both the topical scores of the set of documents and the distance

scores of the set of documents.

Heumann does not disclose or suggest the combination of features recited in claim 1. For

example, Heumann does not disclose or suggest determining a location sensitivity score that

identifies an extent or amount to which geographically-based search results are relevant to the

query. In fact, Heumann et al. discloses nothing remotely similar to a location sensitivity score.

The Examiner alleged that Heumann discloses determining a location sensitivity score

and cited step 24 in Figure 2 of Heumann for support (final Office Action, page 2). Without

acquiescing in the Examiner's allegation, Applicants submit that Heumann does not disclose or

suggest determining a location sensitivity score that identifies an extent or amount to which

geographically-based search results are relevant to the query, as recited in amended claim 1.

Heumann describes step 24 of Figure 2 in paragraphs 0013-0015. In paragraphs 0013-

0015, Heumann discloses:

> [0013] Based on the user location and desired product information extracted from the
> request message, the server 13 then accesses the product provider database 14 and
> retrieves information regarding the desired product, step 24, for providers within a
> selected geographic threshold of the user location. The geographic threshold may be
> selected by the user, or in the absence of user selection, it may be a default value such as
> 1/4 mile.

> [0014] Depending on system defaults and user-selectable options, the information
> retrieved in step 24 may be no more than the name of the product provider nearest to the
> user's location, which has the desired product. Where multiple product providers carry
> the desired product, of course the server 13 must compare the location of the provider to
> the user's location to determine which product provider is nearest.

[0015] In step 24, additional information also may be retrieved by the server 13 from the product provider database 14. For example, the price of the desired product may be retrieved for communication to the user. Price and provider location may also be used to rank multiple product providers. For example, all product providers within a selected distance of the user's location may be ranked by distance from the user. Thus, the three nearest product providers may be determined, or all product providers within one half mile may be determined. Multiple product providers also may be ranked in order of price from lowest to highest.

In these sections, Heumann discloses that, in response to a request message from a user, information is retrieved from a database based on the user location and desired product information extracted from the request message, where the retrieved information may include the name of the product provider nearest to the user's location or the price of the desired product. Nowhere in these sections, or elsewhere, does Heumann disclose or remotely suggest determining a location sensitivity score that identifies an extent or amount to which geographically-based search results are relevant to the query, as required by claim 1.

For at least these reasons, Applicants submit that claim 1 is not anticipated by Heumann. Claims 3, 14, and 16-18 depend from claim 1 and are, therefore, not anticipated by Heumann for at least the reasons given with regard to claim 1.

Amended independent claims 19 and 20 recite features similar to (yet possibly different in scope from) features recited in claim 1. Claims 19 and 20 are, therefore, not anticipated by Heumann for at least reasons similar to reasons given with regard to claim 1. Claim 21 depends from claim 20 and is, therefore, not anticipated by Heumann for at least the reasons given with regard to claim 20.

Amended independent claim 22 is directed to a method that comprises receiving a search query; identifying a topic relating to the search query; determining location sensitivity data that identifies an extent or amount to which geographically-based search results are relevant to the

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identified topic; identifying a set of documents based, at least in part, on the search query;

determining a location associated with at least one document in the set of documents; and

ranking the at least one document in the set of documents based, at least in part, on the location

associated with the at least one document and the location sensitivity data.

Heumann does not disclose or suggest the combination of features recited in claim 22.

For example, Heumann does not disclose or suggest determining location sensitivity data that

identifies an extent or amount to which geographically-based search results are relevant to the

identified topic. In fact, Heumann et al. discloses nothing remotely similar to location sensitivity

data.

The Examiner alleged that Heumann discloses determining a location sensitivity score

and cited step 24 in Figure 2 of Heumann for support (final Office Action, page 2). Without

acquiescing in the Examiner's allegation, Applicants submit that Heumann does not disclose or

suggest determining location sensitivity data that identifies an extent or amount to which

geographically-based search results are relevant to the identified topic, as recited in amended

claim 22.

Heumann describes step 24 of Figure 2 in paragraphs 0013-0015. In paragraphs 0013-

0015, Heumann discloses that, in response to a request message from a user, information is

retrieved from a database based on the user location and desired product information extracted

from the request message, where the retrieved information may include the name of the product

provider nearest to the user's location or the price of the desired product. Nowhere in these

sections, or elsewhere, does Heumann disclose or remotely suggest determining location

sensitivity data that identifies an extent or amount to which geographically-based search results

are relevant to the identified topic, as required by claim 22.

For at least these reasons, Applicants submit that claim 22 is not anticipated by

Heumann. Claims 23, 24, and 26 depend from claim 22 and are, therefore, not anticipated by

Heumann for at least the reasons given with regard to claim 22.

Amended independent claim 27 recites features similar to (yet possibly different in scope

from) features recited in claims 1 and 22. Claim 27 is, therefore, not anticipated by Heumann for

at least reasons similar to reasons given with regard to claims 1 and 22.

Independent claim 28 is directed to a method for presenting advertisements relevant to a

target document. The method comprises analyzing the target document to identify a topic for the

target document and a location associated with the target document; identifying targeting

information for a plurality of advertisements; comparing the targeting information to the topic to

identify a set of potential advertisements; determining a distance score for at least one

advertisement in the set of potential advertisements using an advertiser location associated with

the one advertisement and the location associated with the target document; ordering the set of

potential advertisements based, at least in part, on the distance score of the at least one

advertisement; and presenting at least some of the ordered set of potential advertisements.

Heumann does not disclose or suggest the combination of features recited in claim 28.

For example, Heumann does not disclose or suggest comparing targeting information for a

plurality of advertisements to a topic of a target document to identify a set of potential

advertisements.

The Examiner alleged that Heumann discloses "comparing the targeting information for

plurality of advertisements" and cited paragraph 0015 of Heumann for support (final Office

Action, pages 5-6). Applicants respectfully submit that the Examiner addressed only a portion of

the feature of claim 28. In other words, claim 28 does not recite comparing targeting

information for a plurality of advertisements, but instead recites comparing targeting information

for a plurality of advertisements to the topic for a target document to identify a set of potential

advertisements. Accordingly, the Examiner did not establish a proper rejection under 35 U.S.C.

§ 102.

> At paragraph 0015, Heumann discloses:

> In step 24, additional information also may be retrieved by the server 13 from the product
> provider database 14. For example, the price of the desired product may be retrieved for
> communication to the user. Price and provider location may also be used to rank multiple
> product providers. For example, all product providers within a selected distance of the
> user's location may be ranked by distance from the user. Thus, the three nearest product
> providers may be determined, or all product providers within one half mile may be
> determined. Multiple product providers also may be ranked in order of price from lowest
> to highest.

In this section, Heumann discloses that multiple product providers may be ranked in order of

price. The Examiner alleged that the "prices" in Heumann are equivalent to the "targeting

information" recited in claim 28. With this interpretation in mind, nowhere in the above-

identified section, or elsewhere, does Heumann disclose or remotely suggest comparing prices to

the topic for a target document to identify a set of potential advertisements, as would be required

by claim 28 based on the Examiner's interpretation of Heumann.

> The Examiner further alleged that:

> It is clear that in order to establish the best deal i.e. the lowest prices for a wanted item,
> the large number of prices has to be compared; therefore the lowest price has to be set so
> it can be matched against remaining prices (at least till the next lower price if found).
> The examiner considers this lowest price to be a topic of a document.

(final Office Action, pages 9-10). Applicants submit that the Examiner's allegation is based

solely on a hindsight attempt to reconstruct the above-identified feature of claim 28. Even under

the Examiner's unreasonable interpretation of <u>Heumann</u>, <u>Heumann</u> does not disclose or suggest

comparing prices to a lowest price of a document to identify a set of potential advertisements, as

would be required by claim 28 based on the Examiner's interpretation of <u>Heumann</u>. Therefore,

<u>Heumann</u> does not disclose or suggest comparing targeting information for a plurality of

advertisements to a topic of a target document to identify a set of potential advertisements, as

required by claim 28.

For at least these reasons, Applicants submit that claim 28 is not anticipated by

<u>Heumann</u>. Claims 29 and 30 depend from claim 28 and are, therefore, not anticipated by

<u>Heumann</u> for at least the reasons given with regard to claim 28.

Independent claim 31 is directed to a system for presenting advertisements relevant to a

target document. The system comprises means for identifying a topic for the target document;

means for identifying a location associated with the target document; means for identifying

targeting information for a plurality of advertisements; means for identifying a set of potential

advertisements based, at least in part, on the targeting information and the topic for the target

document; means for determining a distance score for at least one advertisement in the set of

potential advertisements using an advertiser location associated with the at least one

advertisement and the location associated with the target document; means for ranking the set of

potential advertisements based, at least in part, on the distance score of the at least one

advertisement; and means for presenting at least one of the ranked set of potential advertisements

within the target document.

<u>Heumann</u> does not disclose or suggest the combination of features recited in claim 31.

For example, <u>Heumann</u> does not disclose or suggest means for presenting at least one of the

ranked set of potential advertisements within a target document. In fact, Heumann does not

disclose or suggest anything similar to presenting an advertisement within a document.

The Examiner alleged that:

> Heumann teaches the tracking list which lists the best results along with the distance
> information, and those information (price and location) are considered potential
> advertisements within a target document (i.e. document from which the obtained
> information come from).

(final Office Action, page 10). Applicants submit that the Examiner's reasoning is flawed.

Nowhere does Heumann disclose or remotely suggest means for presenting a tracking list (which

the Examiner apparently equates to at least one ranked set of potential advertisements) within a

target document for which a topic and a location are identified, as required by claim 31.

For at least these reasons, Applicants submit that claim 31 is not anticipated by

Heumann.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the

rejection of claims 1, 3, 14, 16-24, and 26-31 based on Heumann.

REJECTION UNDER 35 U.S.C. § 103 BASED ON HEUMANN AND BERKAN ET AL.

In paragraph 4 of the final Office Action, the Examiner rejected claims 4-13 under 35

U.S.C. § 103(a) as allegedly unpatentable over Heumann in view of Berkan et al. Applicants

respectfully traverse the rejection.

Claims 4-13 depend from claim 1. Without acquiescing in the Examiner's rejection of

claims 4-13, Applicants respectfully submit that the disclosure of Berkan et al. does not cure the

deficiencies in the disclosure of Heumann identified above with regard to claim 1. Therefore,

claims 4-13 are patentable over Heumann and Berkan et al., whether taken alone or in any

reasonable combination, for at least the reasons given with regard to claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 4-13 based on <u>Heumann</u> and <u>Berkan et al.</u>

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1, 3-14, 16-24, and 26-31 in condition for allowance. Applicants submit that this Amendment should allow for immediate action by the Examiner. Further, Applicants submit that the entry of this Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or that such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

If the Examiner believes that the application is not now in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

To the extent necessary, a petition for an extension of time under 35 C.F.R. 1.136 is

hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess

fees to such deposit account.

Respectfully submitted,

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